

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

KATHRYN FJELD,

Index No. 07-CV-10355 (CM)(HBP)

Plaintiff,

-against-

INTERNATIONAL BUSINESS MACHINES,
INC., d/b/a IBM, ISOGON CORPORATION,
TETRAGON, L.L.C., STEVEN BARRITZ, and
ROBERT BARRITZ,

**NOTICE OF MOTION TO DISMISS
OR, IN THE ALTERNATIVE, FOR
A MORE DEFINITE STATEMENT**

Defendants.

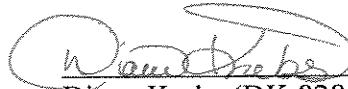
-----X

PLEASE TAKE NOTICE, that upon the annexed Declaration of Diane Krebs, dated November 26, 2007, the accompanying Memorandum of Law, and the exhibits annexed thereto, and upon all prior pleadings and proceedings herein, the undersigned will move this court, before the Honorable Colleen McMahon, at the courthouse located at 500 Pearl Street, New York, NY 10007 at a time to be determined by the Court, for an Order pursuant to Rule 12(b)(6) and Rule 12(e) of the Federal Rules of Civil Procedure, granting the motion of Defendants IBM and Isogen Corporation to dismiss the complaint or, in the alternative, for a more definite statement.

Dated: New York, New York
November 26, 2007

Respectfully submitted,

GORDON & REES LLP



Diane Krebs (DK 8280)

Attorneys for Defendants IBM and Isogen
Corporation
90 Broad Street
23rd Floor
New York, NY 10004
(212) 269-5500

TO: Robert D. Goner, Esq.
BUNTING, GONER & ASSOCIATES P.C.
Attorneys for Plaintiff
1983 Marcus Avenue, Suite 117
Lake Success, New York 11042
(516) 358-8825

Joseph J. Ortego, Esq.
Thomas M. Mealiffe, Esq.
NIXON PEABODY LLP
Attorneys for Defendants
Steven Barritz and Robert Barritz
50 Jericho Quadrangle
Jericho, New York 11753
(516) 832-7500

Tetragon, LLC
57 Ira Place
Syosset, NY